

AMENDMENTS TO THE CLAIMS:

Claims 1 – 8 (cancelled)

9. (Currently Amended) A cup assembly having an open end, comprising:

(a) a dual wall cup assembly comprising: (i) an outer cup made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by bottom wall and the top is open; (ii) an inner cup made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by bottom wall; ~~and~~ (iii) the inner cup is configured to be receivable within the outer cup to create a sealed gap between the side walls of an inner surface of the outer cup and an outer surface of the inner cup; (iv) a maximum outside diameter of the outer cup is less than the size of a typical child's hand, who is about 5 years old, so the child can sufficiently grasp the cup with one hand.

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(b) the cup assembly is a child spill-proof cup that has a removably mounting cap thereon, the cap has a spout that projects from one side thereof upwardly, the spout is formed integrally with the cap and includes a front and rear walls that converge to an outwardly protruding tip of the spout; and

(c) the dual wall assembly provides sufficient insulation ability so that the cup assembly takes at least about 100 minutes to reach 70°F when tested by the cup insulation test method comprising the steps of adding 38 F water with 2 ice cubes to fill the cup and then recording the time that the water reaches 70 F.

10. (Currently Amended) A cup assembly having an open end, comprising:

(a) a dual wall cup assembly comprising: (i) an outer cup made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by bottom wall and the top is open; (ii) an inner cup made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by bottom wall; ~~and~~ (iii) the inner cup is configured to be receivable within the outer cup to create a sealed gap between the side walls of an inner surface of the outer cup and an outer surface of the inner cup (iv) a maximum outside diameter of the outer cup is less than the size of a typical child's hand, who is about 5 years old, so the child can sufficiently grasp the cup with one hand.;

(b) the cup assembly is a child spill-proof cup that has a removably mounting cap thereon, the cap has a spout that projects from one side thereof upwardly, the spout is formed integrally with the cap and includes a front and rear walls that converge to an outwardly protruding tip of

the spout; and

(c) the dual wall assembly provides sufficient insulation ability so that the cup assembly takes at least about twice the time to reach 70°F compared to a comparable single wall cup, which is made of the same thermoplastic material of the inner cup, when tested by the cup insulation test method comprising the steps of adding 38 F water with 2 ice cubes to fill the cup and then recording the time that the water reaches 70 F.

Claim 11 (cancelled)

12. (Currently Amended) A cup assembly having an open end, comprising:

(a) dual wall cup assembly comprising: (i) an outer cup made of a thermoplastic material, with aside wall, a top and an end, the end is closed and sealed by bottom wall and the top is open; (ii) an inner cup made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by bottom wall; ~~and~~ (iii) the inner cup is configured to be receivable within the outer cup to create a sealed gap between the side walls of an inner surface of the outer cup and an outer surface of the inner cup; (iv) a maximum outside diameter of the outer cup is less than the size of a typical child's hand, who is about 5 years old, so the child can sufficiently grasp the cup with one hand.

(b) the cup assembly is a child spill-proof cup that has a removably mounting cap thereon, the cap has a spout that projects from one side thereof upwardly, the spout is formed integrally with the cap and includes a front and rear walls that converge to an outwardly protruding tip of the spout; and (c) the dual wall assembly provides sufficient insulation ability so that the cup assembly takes at least about twice the time to reach 70°F compared to a comparable single wall cup, which is made of the same thermoplastic material of the inner cup, when tested by the cup insulation test method comprising the steps of adding 38 F water with 2 ice cubes to fill the cup and then recording the time that the water reaches 70 F; and (d) the dual wall assembly provides sufficient impact strength so that the cup assembly does not crack or break when tested by the drop test method comprising the steps of filling the cup with a room temperature liquid, securing the cap to the cup, refrigerating the cup assembly, and dropping the cup assembly 5 times from a height of 40 inches.

13. (Currently Amended) A cup assembly having an open end, comprising:

(a) a dual wall cup assembly comprising: (i) an outer cup made of a thermoplastic

material, with a side wall, a top and an end, the end is closed and sealed by bottom wall and the top is open; (ii) an inner cup made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by bottom wall; (iii) the side wall thickness of the inner and outer cups are about 0.05 to about 0.06 inches; ~~and~~ (iv) the inner cup is configured to be receivable within the outer cup to create a sealed gap between side wall of an inner surface of the outer cup and an outer surface of the inner cup and between the bottom walls wherein the sealed gap is about 0.04 to about 0.8 inches; (iv) a maximum outside diameter of the outer cup is less than the size of a typical child's hand, who is about 5 years old, so the child can sufficiently grasp the cup with one hand.

(b) the cup assembly is a child spill-proof cup that has a removably mounting cap thereon, the cap has a spout that projects from one side thereof upwardly, the spout is formed integrally with the cap and includes a front and rear walls that converge to an outwardly protruding tip of the spout; and;

C 2 (c) the dual wall assembly provides sufficient insulation ability so that the cup assembly takes at least about 100 minutes to reach 70°F when tested by the cup insulation test method comprising the steps of adding 38 F water with 2 ice cubes to fill the cup and then recording the time that the water reaches 70 F.

14. (Currently Amended) A cup assembly having an open end, comprising:

(a) a dual wall cup assembly comprising: (i) an outer cup made of a thermoplastic plastic, with a side wall, a top and an end, the end is closed and sealed by a bottom wall and the top is open; (ii) an inner cup, made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by bottom wall; (iii) the side wall thickness of the inner and outer cups are about 0.03 to about 0.08 inches; ~~and~~ (iv) the inner cup is configured to be receivable within the outer cup to create a sealed gap between side wall of an inner surface of the outer cup and an outer surface of the inner cup and between the bottom walls wherein the sealed gap is about 0.04 to about 0.1 inches; (vi) a maximum outside diameter of the outer cup is less than the size of a typical child's hand, who about 5 years old, so the child can sufficiently grasp the cup with one hand.

(b) the cup assembly is a child spill-proof cup that has a removably mounting cap thereon, the cap has a spout that projects from one side thereof upwardly, the spout is formed integrally with the cap and includes a front and rear walls that converge to an outwardly

protruding tip of the spout; and

(c) the dual wall assembly provides sufficient insulation ability so that the cup assembly takes at least about 100 minutes to reach 70°F when tested by the cup insulation test method comprising the steps of adding 38 F water with 2 ice cubes to fill the cup and then recording the time that the water reaches 70 F.

15. (Currently Amended) A cup assembly having an open end, comprising:

(a) a dual wall cup assembly comprising: (i) an outer cup, made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall and the top is open; (ii) an inner cup, made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall; (iii) a curve region at a bottom outside edge of the outer cup having a thickness greater than the wall thickness of the outer cup and a notch in a curve region at a bottom inside edge of the outer cup; ~~and~~ (iv) the inner cup is configured to be receivable within the outer cup to create a sealed gap between side wall of an inner surface of the outer cup and an outer surface of the inner cup and between the bottom walls; (v) a maximum outside diameter of the outer cup is less than the size of a typical child's hand, who is about 5 years old, so the child can sufficiently grasp the cup with one hand.

C2 (b) the cup assembly is a child spill-proof cup that has a removably mounting cap thereon, the cap has a spout that projects from one side thereof upwardly, the spout is formed integrally with the cap and includes a front and rear walls that converge to an outwardly protruding tip of the spout; and

(c) the dual wall assembly provides sufficient insulation ability so that the cup assembly takes at least about 100 minutes to reach 70°F when tested by the cup insulation test method comprising the steps of adding 38 F water with 2 ice cubes to fill the cup and then recording the time that the water reaches 70 F.

Claim 16 (cancelled)

17. (Currently Amended) A cup assembly having an open end, comprising:

(a) a dual wall cup assembly comprising: (i) an outer cup, made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall and the top is open; (ii) an inner cup, made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall; (iii) the side wall thickness of the inner and outer cups are about 0.03 to about 0.08 inches (iv) a curve region at a bottom outside edge of the

outer cup having a thickness greater than the wall thickness of the outer cup and a notch in a curve region at a bottom inside edge of the outer cup; ~~and~~ (v) the inner cup is configured to be receivable within the outer cup to create a sealed gap between side wall of an inner surface of the outer cup and an outer surface of the inner cup and between the bottom walls wherein the sealed gap is about 0.04 to about 0.1 inches; (iv) a maximum outside diameter of the outer cup is less than the size of a typical child's hand, who about 5 years old, so the child can sufficiently grasp the cup with one hand.

(b) the cup assembly is a child spill-proof cup that a removably mounting cap thereon, the cap has a spout that projects from one side thereof upwardly, the spout is formed integrally with the cap and includes a front and rear walls that converge to an outwardly protruding tip of the spout; and

(c) the dual wall assembly provides sufficient insulation ability so that the cup assembly takes at least about 100 minutes to reach 70°F when tested by the cup insulation test method comprising the steps of adding 38 F water with 2 ice cubes to fill the cup and then recording the time that the water reaches 70 F.

Claims 18 – 28 (cancelled)

29. (original) The cup assembly of claim 9 having a valve located adjacent to or incorporated into the spout wherein the valve substantially prevents a liquid from leaking out of the spout.

30. (original) The cup assembly of claim 10 having a valve located adjacent to or incorporated into the spout wherein the valve substantially prevents a liquid from leaking out of the spout.

Claim 31 (cancelled)

32. (original) The cup assembly of claim 12 having a valve located adjacent to or incorporated into the spout wherein the valve substantially prevents a liquid from leaking out of the spout.

33. (original) The cup assembly of claim 13 having a valve located adjacent to or incorporated into the spout wherein the valve substantially prevents a liquid from leaking out of the spout.

34. (original) The cup assembly of claim 14 having a valve located adjacent to or incorporated into the spout wherein the valve substantially prevents a liquid from leaking out of

the spout.

35. (original) The cup assembly of claim 15 having a valve located adjacent to or incorporated into the spout wherein the valve substantially prevents a liquid from leaking out of the spout.

Claim 36 (cancelled)

37. (original) The cup assembly of claim 17 having a valve located adjacent to or incorporated into the spout wherein the valve substantially prevents a liquid from leaking out of the spout.

Claim 38 (cancelled)

Claim 39 (cancelled)

40. (original) The cup assembly of claim 29 wherein the inner cup is sufficiently sized to hold about 6 to about 9 ounces of liquid.

41. (original) The cup assembly of claim 30 wherein the inner cup is sufficiently sized to hold about 6 to about 9 ounces of liquid.

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Claim 42 (cancelled)

43. (original) The cup assembly of claim 32 wherein the inner cup is sufficiently sized to hold about 6 to about 9 ounces of liquid.

44. (original) The cup assembly of claim 33 wherein the inner cup is sufficiently sized to hold about 6 to about 9 ounces of liquid.

45. (original) The cup assembly of claim 34 wherein the inner cup is sufficiently sized to hold about 6 to about 9 ounces of liquid.

46. (original) The cup assembly of claim 35 wherein the inner cup is sufficiently sized to hold about 6 to about 9 ounces of liquid.

Claim 47 (cancelled)

48. (original) The cup assembly of claim 37 wherein the inner cup is sufficiently sized to hold about 6 to about 9 ounces of liquid.

Claims 49 – 52 (cancelled)

53. (original) The cup assembly of claim 40 wherein the cup assembly is formed from a plastic selected from the group consisting of polypropylene, polyethylene and polyester.

54. (original) The cup assembly of claim 41 wherein the cup assembly is formed from a plastic selected from the group consisting of polypropylene, polyethylene and polyester.

Claim 55 (cancelled)

56. (original) The cup assembly of claim 43 wherein the cup assembly is formed from a plastic selected from the group consisting of polypropylene, polyethylene and polyester.

57. (original) The cup assembly of claim 44 wherein the cup assembly is formed from a plastic selected from the group consisting of polypropylene, polyethylene and polyester.

58. (original) The cup assembly of claim 45 wherein the cup assembly is formed from a plastic selected from the group consisting of polypropylene, polyethylene and polyester.

59. (original) The cup assembly of claim 46 wherein the cup assembly is formed from a plastic selected from the group consisting of polypropylene, polyethylene and polyester.

Claim 60 (cancelled)

61. (original) The cup assembly of claim 48 wherein the cup assembly is formed from a plastic selected from the group consisting of polypropylene, polyethylene and polyester.

Claims 62 – 99 (cancelled)

C2 100. (Currently amended) The cup assembly of claim 9 wherein the sealed gap consists of an insulation material selected from the group consisting of foam, ~~blowing agents~~, Styrofoam and cardboard.

101. (Currently amended) The cup assembly of claim 10 wherein the sealed gap consists of an insulation material selected from the group consisting of foam, ~~blowing agents~~, Styrofoam and cardboard.

102. (Currently amended) The cup assembly of claim 12 wherein the sealed gap consists of an insulation material selected from the group consisting of foam, ~~blowing agents~~, Styrofoam and cardboard.

103. (Currently amended) The cup assembly of claim 13 wherein the sealed gap consists of an insulation material selected from the group consisting of foam, ~~blowing agents~~, Styrofoam and cardboard.

104. (Currently amended) The cup assembly of claim 14 wherein the sealed gap consists of an insulation material selected from the group consisting of foam, ~~blowing agents~~, Styrofoam and cardboard.

105. (previously added) The cup assembly of claim 9 wherein air is in the sealed gap.

106. (previously added) The cup assembly of claim 10 wherein air is in the sealed gap.

107. (previously added) The cup assembly of claim 12 wherein air is in the sealed gap.

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108. (previously added) The cup assembly of claim 13 wherein air is in the sealed gap.

109. (previously added) The cup assembly of claim 14 wherein air is in the sealed gap.
